

500.34077CC3/E2063-04EN

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Atsushi MAKI *et al.*  
Serial No. : 09/900,144  
Filed : 9 July 2000  
For : OPTICAL SYSTEM FOR MEASURING  
METABOLISM IN A BODY AND IMAGING METHOD  
Art Unit : 3737  
Examiner : E.M. Mercader  
Conf. No. : 6500

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97(d)**

**Mail Stop AF**

Commissioner for Patents  
POB 1450  
Alexandria, Virginia 22313-1450

26 March 2004

Sir:

In the matter of the above-identified application, Applicant hereby submits the attached information for consideration by the Office under 37 C.F.R. §§1.97, 1.98 and 1.56 in the present application, and for printing on the face of any patent issuing hereon, as listed on the attached Form PTO-1449.

Also attached are two (2) Japanese Patent Office (JPO) Actions and partial English language translations thereof.

JPO Action 1 issued on 18 May 2004 in a divisional application of one of the Japanese patent applications corresponding to the present US case upon which priority is claimed herein under 35 USC §119. JP-A-02-066429 was filed in an Information Disclosure Statement (IDS) in the present application on 30 May 2002 and is already of record and considered in this case, so no copy is submitted

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herewith. JP-A-06-090933 is submitted with English equivalent EP-A1-0497021, and an English language Abstract is attached to JP-A-02-203250.

JPO Action 2 was issued 18 May 2004 in one of the Japanese applications corresponding to the present US case upon which priority is claimed herein under 35 USC §119. JP-A-07-079935, JP-A-07-148169 and JP-A-06-154228 are submitted with English language Abstracts. JP-B2-03-067409 is presented with the English language Abstract of corresponding Japanese Publication No. 65-046439 (see Figs. 1 and 2). US 5,586,554 A also is submitted as an English language equivalent to JP-A-06-245938.

Further presented is the article to Gopinath *et al.*, "Near-infrared spectroscopic localization of intracranial hematomas," *J. Neurosurg.*, 79:43-47, 1993, which became known to Applicant on 30 May 2004.

Applicant respectfully states that no item of information contained herein was first cited in a Communication from a foreign Patent Office in a counterpart foreign patent application and, to the knowledge of the undersigned, no item of information contained herein was known to any individual designated in §1.56, more than three (3) months prior to the filing of this IDS.

In accordance with 37 CFR §1.98, no separate concise explanation of relevance is required for any information submitted herewith that is not in the English language because either an English language Abstract for the reference or an English language equivalent of the reference also is submitted herewith.

This IDS is being submitted after mailing of a final Office Action on the merits in the present US case, and the statement under 37 CFR 1.97(e)(2) is submitted herein. Attached is a Form PTO-2038 including authorization for payment of the

requisite fee under 37 CFR §1.97(d). To whatever other extent is necessary, please charge any actual fee due in connection with this IDS to ATSK Deposit Account No. 01-2135 (as No. 500.34077CC3).

Respectfully submitted,

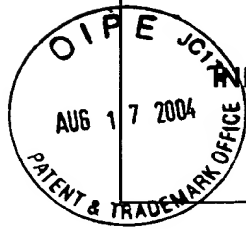


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Attachments:

PTO-1449  
Eight (8) References  
PTO-2038 (Fee Code 1806)



Form PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DKT. NO. 500.34077CC3	SERIAL NO. 09/900,144
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)		<b>APPLICANT</b> Atsushi MAKI <i>et al.</i>	
		<b>FILING DATE</b> 9 July 2000	<b>GROUP</b> 3737

**U.S. PATENT DOCUMENTS**

Ex. Initial	Doc. No.	Date	Name	Class	Subclass	Filing Date
AA	5,586,554	12/24/1996	Maki <i>et al.</i>			
AB						
AC						
AD						
AE						
AF						
AG						
AH						

**U.S. PATENT APPLICATIONS**

	Application Number	Name	Publication Date
AI			
AJ			
AK			
AL			

**FOREIGN PATENT DOCUMENTS**

	Doc. No.	Date	Country	Class	Subclass	Translation/Abstract?	
						Yes	No
AM	06-090933	04/05/1994	JP			Abstract	
AN	0 497 021 A1	09/06/1992	EP				
AO	02-203250	08/13/1990	JP			Abstract	
AP	07-079935	03/28/1995	JP			Abstract	
AQ	07-148169	06/13/1995	JP			Abstract	
AR	06-245938	06/09/1994	JP			Equivalent	
AS	06-154228	06/03/1994	JP			Abstract	
AT	64-046439	02/10/1989	JP			Abstract	

**OTHER DOCUMENTS**

<b>AU</b>	Gopinath <i>et al.</i> , "Near-infrared spectroscopic localization of intracranial hematomas," <i>J. Neurosurg.</i> , 79:43-47, 1993.
<b>AV</b>	
<b>AW</b>	
<b>Examiner</b>	
<b>Date Considered</b>	